IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24628 of 2004

Between:

Kethi Reddy Lakshmidhar Reddy, S/o Varada Reddy,
R/o 10-29-5N, 2nd Lane, Christian Pet, Kavali, Nellore District.

... PETITIONER

AND

1 The District Collector, Nellore District, Nellore.
2 The Joint Collector, Nellore District, Nellore.
3 The Revenue Divisional Officer, Kavali, Nellore District.
4 The Mandal Revenue Officer, Kavali, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in not disposing off the representation dated 12-4-2004 and consequential reminders culminating in representation dated 3-11-2004 complaining with respect to encroachment of cart track (Donka Poramboke) covered by Survey No. 638/2 of Kavali Bit 1Village, Kavali Mandal,Nellore District which leads to petitioners agricultural lands as illegal and arbitrary.

Counsel for the Petitioner: MR.M.RAVINDRANATH REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus in declaring the action of the fourth respondent in not disposing of the representation of the petitioner dated 12-04-2004 complaining encroachment of cart track covered by S.No.638/1 and 638/2 of Kavali village, Nellore District, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of at the admission stage.

3. Petitioner claims to be the owner of lands in S.No.639 and 637 of Kavali Bit -I and S.Nos.5 and 7 of Maddurupadu village of Kavali Mandal, Nellore District. It is the case of the petitioner that there is a cart track classified as *Donkaporamboke* covered by S.No.638/1 and 638/2, used for passage of carts, camel etc., which leads to the lands of the petitioner. While so, one Sri Bandaru Durga Prasad Rao and his sons made attempts to encroach into the said cart track. Thereafter, petitioner said to have reported the same to the fourth respondent on 12-04-2004. In spite of the same, the said person converted the said track to facilitate it for cultivation. Aggrieved thereby, petitioner is said to have made several representations to the fourth respondent, the latest being 12-04-2004.

4. If that were the case, I deem it appropriate to dispose of the writ petition with a direction to the fourth respondent – Mandal Revenue Officer to consider and dispose of the representation of the petition dated 12-04-2004 and pass appropriate orders, within three months from the date of receipt of a copy of this order, in accordance with law.

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The writ petition is accordingly disposed of at the admission stage.

N.V. RAMANA, J

December 29, 2004

MRR / SVV

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The District Collector, Nellore District, Nellore.
2 The Joint Collector, Nellore District, Nellore.
3 The Revenue Divisional Officer, Kavali, Nellore District.
4 The Mandal Revenue Officer, Kavali, Nellore District.

5 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

6 Two C.D. Copies.